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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,717	09/30/2003	Ioannis D. Keramidas	KERAMIDAS - 1	4513
25889	7590	05/13/2005	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			NGUYEN, TUAN N	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/674,717

Applicant(s)

KERAMIDAS, IOANNIS D.

Examiner

Tuan N. Nguyen

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,6 and 12 is/are rejected.
- 7) ☒ Claim(s) 1,5,7-11,13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 9 filed 2/28/05 have been fully considered but they are not persuasive as indicated below.
3. Applicant's arguments with respect to claims 1, 7, 8, 10 and 11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

4. Claim 4 is objected to because of the following informalities: the limitation "each branching location" on line 3 appears to lack antecedent basis in the claim. Appropriate correction is required.
5. Claim 13 is objected to because of the following informalities: "till to" on line 13 is grammatically incorrect. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,412,120 (hereinafter Leonard).

Leonard discloses a device for dispensing a liquid active substance into flushing water of a toilet bowl, comprising: a supply container (18) provided with an opening on an underside, and being fillable with the liquid active substance; a carrying body (10, 24) retaining the supply container, the carrying body affixable on a rim of the toilet bowl; a distributor plate (see Fig. 11E) retained on an underside of the carrying body, the distributor plate being reachable by the flushing water and having capillary channels (the outward most V-shaped channels) which are connected to the opening of the supply container via distributor channels (the channels connecting from 44e to the V-shaped channels); and a wall (136, 166) integrally formed on the distributor plate, the wall partially engaging over the carrying body (180, 193) and extending along a side located opposite the capillary channels and, at least in part, over adjoining end sides of the distributor plate, wherein a sealing groove (see Figs. 25 and 26, the groove about reference 152 where wall 187 seats therein) is formed on the inside of the wall and a correspondingly shaped sealing lip (about 187) of the carrying body engages the sealing groove (see Figs. 23-26 and col. 11, line 11 et seq.).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,412,120 (hereinafter Leonard) in view of WO 98/09027 (hereinafter Klimis).

Leonard discloses a device for dispensing a liquid active substance into flushing water of a toilet bowl, comprising: a supply container (18) provided with an opening on an underside, and being fillable with the liquid active substance; a carrying body (10, 24) retaining the supply container, the carrying body affixable on a rim of the toilet bowl; a distributor plate (see Fig. 11E) retained on an underside of the carrying body, the distributor plate being reachable by the flushing water and having capillary channels (the outward most V-shaped channels) which are connected to the opening of the supply container via distributor channels (the channels connecting from 44e to the V-shaped channels); a resilient clip (12) provided on the carrying body for the purpose of fixing the device on the rim of the toilet bowl, wherein the resilient clip is securable in a height-adjustable manner on the carrying body by latching means; and abutments (see Fig. 7, both ends of 32) on both sides of the resilient clip which engage beneath the rim of the toilet bowl (see Figs. 12 and 13). Wherein the abutments are provided on mutually opposite end regions of the sidewall (36) of the carrying body. Although the Leonard resilient clip shown to have only one latching channels and not plural as claimed, attention is directed to the Klimis reference which discloses an analogous dispensing device which further includes a resilient clip having multiple latching channels. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ, on the Leonard device, a multiple latching

channels resilient clip as, for example, taught by Klimis in order to allow adjustability for multiple toilet sizes.

In regard to claim 9, the Leonard device as discussed above (see Fig. 23 for better illustration) further comprises a wall (136, 166) integrally formed on the distributor plate, the wall partially engaging over the carrying body (180, 193) and extending along a side located opposite the capillary channels and, at least in part, over adjoining end sides of the distributor plate, wherein a sealing groove (see Figs. 25 and 26, the groove about reference 152 where wall 187 seats therein) is formed on the inside of the wall and a correspondingly shaped sealing lip (about 187) of the carrying body engages the sealing groove (see Figs. 23-26 and col. 11, line 11 et seq.).

8. Claims 1, 5, 10, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/40787 (hereinafter WO '787).

In regard to claims 1 and 5, WO '787 discloses a device for dispensing a liquid active substance into flushing water of a toilet bowl, comprising: a supply container (2, 3) provided with an opening on an underside, and being fillable with the liquid active substance; a carrying body (1) retaining the supply container, the carrying body affixable on a rim of the toilet bowl (see abstract); a distributor plate (see Fig. 25) retained on an underside of the carrying body, the distributor plate being reachable by the flushing water and having capillary channels (about 11) which are connected to the opening of the supply container via distributor channels (which would obviously be similar to the dash lines of Figs. 16-19), wherein the distributor plate has an upright plug-in spike (10) disposed beneath the opening in the underside of the supply

container, the spike having encircling groove (16, see Fig. 25), from which the distributor channels obviously extend to transfer the liquid active substance to the capillary channels. The capillary channels have a V-shaped cross section and obviously could have an opening angle of between 40 and 120 degrees, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

In regard to claims 10, 11 and 14, the WO '787 distributor plate of Fig. 25 could obviously have a hollow (about 7 as shown in Figs. 1 and 3) with a siphon in the bottom, the hollow could obviously be located near the capillary channels and the siphon having an over-flow edge that appears to be below and under the capillary channels.

In regard to claim 13, the WO '787 device as discussed above wherein the capillary channels are the larger part of the grooves 11 (see Fig. 20) and the distributor channels are the smaller or narrow part of the grooves 11 (see Fig. 20), which being branched at an acute angle at least one time over their entire length and would obviously extend from an encircling groove as shown in Fig. 25 to the capillary channels to form a wedge at each branching location as shown in the in Fig. 20, wherein each distributor channel is connected continuously with at least two of the capillary channels at the end (see Fig. 20).

***Allowable Subject Matter***

9. Claims 3, 4, 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims and to overcome any minor objection.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tuan Nguyen  
Primary Examiner  
Art Unit 3751  
5/11/05

TN